

1 DAVID M. KEYZER (SB# 248585)
david@keyzerlaw.com
2 LAW OFFICE OF DAVID KEYZER, P.C.
5170 Golden Foothill Parkway
3 El Dorado Hills, CA 95762
Telephone: (916) 243-5259
4 Facsimile: (916) 404-0436
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8 IN THE UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION
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12 ENTROPIC COMMUNICATIONS,
LLC,

13 Plaintiff,

14 v.

15 DISH NETWORK CORPORATION.; *et*
16 *al.*,

17 Defendants.
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Case No. 2:23-cv-1043-JWH-KES

SPECIAL MASTER ORDER

No. SM - 2

**REGARDING DISCOVERY
DISPUTE RESOLUTION
PROCEDURES**

Pursuant to authority provided by the July 5, 2023 Order Appointing Special Master (see Dkt. 74) and having discussed the matter with counsel for both sides at a status conference on July 26, 2023 (*see* Dkt. 81 – Special Master Minutes),¹ the Special Master hereby **ORDERS** that the parties may submit discovery disputes to the Special Master in the above-captioned case accordingly to the following procedure:

(1) A party seeking relief on a discovery issue must first send a letter to opposing counsel and must request a meet-and-confer. Opposing counsel shall be available for a meet-and-confer within five (5) business days of receiving the letter from the party seeking relief.

(2) After the meet-and-confer, if the meet-and-confer does not resolve the issue, the party seeking relief shall provide opposing counsel with an itemized list of requested relief that is still in dispute and that is still being requested. No fewer than three (3) business days after the meet and confer the party seeking relief may then contact the Special Master to request a hearing, such requested hearing date being at least 15 business days after the date of contacting the Special Master.

(3) At least ten (10) business days in advance of the hearing date provided by the Special Master, the party seeking relief shall submit to the Special Master a letter brief (not to exceed three single-spaced pages, and with no attachments or exhibits) that outlines the dispute. This submission to the Special Master shall also include a proposed order that itemizes the relief that is being sought in sufficient detail such that, if the relief is granted, the opposing party will understand what it needs to do, and by when, so as to comply.

(4) At least four (4) business days in advance of the hearing date provided by the Special Master, the opposing party shall submit to the Special Master a letter brief (not to exceed three single-spaced pages, and with no attachments or exhibits) that explains the opposition to the requested relief.

(5) If a party decides to seek the Court's review of the Special Master's discovery order(s) on the discovery issues presented, the sealing rules governing this case will be followed at that time and the letter briefs will be filed with confidential information submitted for sealing. The parties will endeavor to minimize the amount of confidential information in the letter briefs that requires sealing.

¹ This discussion included discussion of an agreed-upon discovery dispute resolution procedure adopted by the Special Master in *Medtronic, Inc., et al. v. Axonics Modulation Technologies, Inc.*, No. 8:19-CV-02115-DOC-JDE, Dkt. 135-1, Special Master Order No. SM-5 (C.D. Cal. July 13, 2022), which in turn was based on Section 3(f) of what is now the "Rule 16 Scheduling Order – Patent (Rev. 2/6/23)" of Judge Richard G. Andrews of the District of Delaware, available at: "<https://www.ded.uscourts.gov/sites/ded/files/chambers/Rule%2016%20pretrial%20order%20patent%20rev%202%202023.pdf>" (last visited July 26, 2023).

1 At the July 26, 2023 status conference, the Special Master read a draft of the
2 procedure set forth above, and the parties agreed to the essential features of this
3 procedure. If any portion of this procedure as set forth above is disputed, then the
4 parties should bring such dispute to the attention of the Special Master immediately
5 or no later than August 7, 2023, at 12:00 P.M. Pacific Time. The procedure set forth
6 in this Order is being put in place to facilitate resolution of discovery disputes in the
7 present case and is intended to supplant and replace the procedures for addressing
8 discovery disputes found in Local Rule 37, *et seq.*

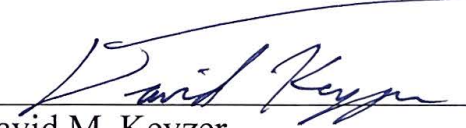
9 Finally, this procedure set forth above is subject to modification by the Special
10 Master and/or by agreement of the parties with the approval of the Special Master as
11 may be appropriate to facilitate the speedy and efficient resolution of particular
12 disputes.

13 In light of the foregoing, the August 7, 2023 follow-up preliminary conference
14 previously scheduled by the Special Master (*see* Dkt. 81 at 4) is no longer necessary
15 and is hereby VACATED.

16 **IT IS SO ORDERED.**

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18 Dated: August 4, 2023

19
20 By:



David M. Keyzer
Special Master